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EXAMINER

BHATTACHARYA, SAM

ART UNIT PAPER NUMBER

2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/976,475

Applicant(s)

HAWKINS ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 12-19, 21-28, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20, 29, 30 and 33-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>see attached 1449</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/19/07 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 4/19/07 was filed after the mailing date of the final Office Action on 4/6/06. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 33, 34, 36, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (US 5,797,089).

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As to claims 33 and 44, Nguyen discloses a method for operating a personal electronic device, the personal electronic device including a lid, a power button, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, when the device is off, activating the device and executing by the processor a first user-selectable application or mobile phone application stored in the memory of the personal electronic device (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the power button, when the device is off, activating the device and executing by the processor a second user-selectable application or mobile phone application stored in the memory of the personal electronic device (see Col. 7, lines 4-12).

As to claim 34, Nguyen discloses that the personal electronic device further includes a mobile telephone and an activity status of the mobile phone is not changed by opening the lid or activating the power button for the device (see Col. 4, lines 30-42).

As to claim 36, Nguyen discloses that the first user-selectable and second user-selectable application default to a phone related application, but an activity status of a mobile phone in the personal electronic device is not affected by opening the lid (see Col. 5, lines 49-60).

As to claim 45, Nguyen discloses that activating the device when the power button is off occurs when the lid is closed, so that the PDA operates as a mobile phone when the lid is closed (see Col. 4, lines 50-58).

As to claim 47, Nguyen discloses application buttons that are physical buttons. See FIG.

1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 7-11, 20, and 29, 30, 35, 37-39, 40-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US 5,797,089) in view of Boesen (US Patent Application Publication 2001/0027121 A1).

As to claim 1, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a power button that activates the PDA, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, activating the PDA and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the PDA power button, activating the PDA and executing by the processor a second application stored in the memory of the PDA (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 2, the Nguyen reference discloses the method of claim 1, wherein the first application and the second application are the same application (at steps 67 and 75, with power on the telephone powered on, the PDA passes the telephone number to the telephone unit for wireless telephone function (see Col. 6, line 66 to Col. 7, line 3, Col. 7, lines 17-21, and Figure 4)).

As to claim 7, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, at least one application button, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, activating the PDA and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of one of the application buttons, activating the PDA and executing by the processor a second application stored in the memory of the PDA, the second application associated with the activated application button (see Col. 5, lines 49-60 and Col. 7, lines 13-21).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

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Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 8, the Nguyen reference discloses the method of claim 7, wherein the PDA additionally includes a power button (see Figure 2), the method further comprising:

responsive to activation of the power button, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 7, lines 4-12).

As to claim 9, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising: responsive to the lid being opened, activating the device and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3).

However, it does not disclose the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application. The Boesen reference teaches the plurality of applications stored in the memory includes an alarm

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application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application (see page 2, col. 2, paragraph [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen wherein the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application, as taught by Boesen, in order to notify a person of appointments or incoming messages.

As to claim 10, Nguyen-Boesen discloses the method of claim 9, wherein the PDA additionally includes a power button (Nguyen: see Figure 2), the method further comprising:

responsive to activation of the power button, activating the device and executing by the processor a second application stored in the memory of the PDA (Nguyen: see Col. 7, lines 4-12).

As to claim 11, Nguyen-Boesen discloses the method of claim 9, wherein the PDA further includes at least one application button (Nguyen: see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method further comprising:

responsive to activation of one of the application buttons, activating the device and executing by the processor a second application stored in the memory of the PDA, the second application associated with the activated application button (Nguyen: see Col. 5, lines 49-60 and Col. 7, lines 13-21).

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As to claim 20, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a wireless communication module, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

determining that the lid has been opened (see Col. 6, lines 45-49 and lines 58-61);

responsive to the lid having been opened:

turning on the PDA (see Col. 7, lines 4-12); and

automatically launching a phone application (see Col. 7, lines 4-21).

As to claim 29, Figures 2 and 3 in Nguyen show an integrated personal digital assistant (PDA) (10) comprising:

a base (22) (see Col. 3, lines 56-63 and Col. 4, lines 7-16);

a processor (43), for executing software instructions on the PDA (see Col. 4, line 59 to Col. 5, line 9);

a memory (41, 46), for storing software instructions to be executed by the processor (see Col. 4, line 59 to Col. 5, line 9);

a plurality of applications stored in the memory (see Col. 4, line 59 to Col. 5, line 9),

a lid (21), coupled to the base (22), for activating the PDA when opened, and causing the processor to execute a first application stored in the memory (see Col. 6, lines 58 to Col. 7, line 3); and

a power button (25), coupled to the base, for activating the device when pressed, and causing the processor to execute a second application stored in the memory (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 30, the Nguyen reference discloses a computer program product stored on a computer readable medium for operating an integrated personal digital assistant (PDA) device (see Col. 4, line 59 to Col. 5, line 9), the computer program product controlling a processor coupled to the medium to perform the operations of:

responsive to a lid of the device being opened, activating the PDA and executing a first application stored in the memory of the device (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the PDA power button, activating the PDA and executing a second application stored in the memory of the device (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic

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device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claims 35, 39 and 40, Nguyen fails to disclose that the lid of the device has a window 11 therein large enough to see a personal electronic device or PDA screen when the lid is closed.

However, Boesen discloses a combination cellular phone, PDA and pager that includes a window 4 large enough to see PDA a screen when the lid is closed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including a window that exposes the PDA screen, as taught by Boesen, so that the user does not have to flip open the device to view all relevant information on the screens.

As to claims 37, 38, 42 and 43, Nguyen discloses that the first user-selectable and second user-selectable application default to a phone related application, but an activity status of a mobile phone in the personal electronic device is not affected by opening the lid (see Col. 5, lines 49-60).

As to claim 41, Nguyen discloses activating a mobile phone responsive to activation of a PDA power button (see col. 7, lines 4-6 and 16-19).

As to claim 46, Nguyen fails to disclose that at least one application button is displayed on a touch screen.

However, Boesen discloses a PDA portion in which application buttons are displayed on a touch screen 38. See FIG. 5 and paragraph [0047]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including a touch screen having application buttons, as taught by Boesen, so that additional functionality can be provided in the device without increasing the clutter of physical buttons on the device.

1. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Boesen and Takahashi (U.S. Patent 6,662,244).

As to claim 3, Nguyen-Boesen discloses the method of claim 1. However, it does not disclose the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA. The Takahashi reference teaches the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 3, lines 27-30, Col. 6, lines 1-3, Col. 7, lines 8-28, and Figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Boesen wherein the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory

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of the PDA, as taught by Takahashi, in order to control the input/display mode by means of a jog dial.

As to claim 4, Nguyen-Boesen discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a processor, a memory, and a plurality of applications stored in the memory, the method comprising:

responsive to the lid being opened, activating the device and executing by the processor a first application stored in the memory of the PDA; and

However, it does not disclose the PDA includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA. The Takahashi reference teaches the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 3, lines 27-30, Col. 6, lines 1-3, Col. 7, lines 8-28, and Figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Boesen wherein the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA, as taught by Takahashi, in order to control the input/display mode by means of a jog dial.

As to claim 5, Nguyen-Boesen-Takahashi discloses the method of claim 4, wherein the PDA further includes at least one application button (Takahashi: see Figure 9), the method further comprising:

responsive to activation of one of the application buttons, activating the device and executing by the processor a second application stored in the memory of the PDA, the second application associated with the activated application button (Takahashi: see Col. 7, lines 18-28).

As to claim 6, Nguyen-Boesen-Takahashi discloses the method of claim 4. However, it does not disclose the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application.

The Boesen reference further teaches the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application (see page 2, col. 2, paragraph [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Takahashi-Boesen wherein the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application, as taught by Boesen, in order to notify a person of appointments or incoming messages.

Response to Arguments

2. Applicant's arguments filed on 6/12/06 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments.

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As shown in FIG. 4 in Nguyen and clearly stated on col. 6, lines 58-61, step 61 detects whether the PDA is in the open position, and if it is open the step 65 determines whether the power is on. Step 71 enables PDA functions, thus executing applications in response to the lid being opened. Accordingly, Nguyen discloses activating the device and executing by the processor a first user-selectable application responsive to the lid being opened. Step 69 enables a fax phone function in response to the phone power button being pressed on. Step 67 also enables the normal cellular phone when the PDA power is off and the phone power is on. Accordingly, Nguyen discloses activating the device and executing a second application responsive to activation of the power button. Note that enabling a function means activating that function, and therefore there is no difference between “enabling” and “executing” in the context of Nguyen’s teachings.

Boesen states that keypad buttons 22 and PDA buttons 24 are available when the device is closed. Boesen further explains that these buttons provide standard functions available in cell phones and personal electronic devices. See paragraphs 43 and 52. Since particular applications are activated or powered in response to the pressing of keypad and PDA buttons which function as power buttons, Boesen does in fact disclose activating the device and executing a second application responsive to the power button when the lid is closed.

Nguyen discloses that the PDA keyboard is turned on in response to a sequence including the lid being opened. Moreover, step 67 in FIG. 4 enables normal cell phone functions when the phone power is on. See col. 7, lines 4-21. Accordingly, Nguyen teaches turning on the PDA and launching a phone application responsive to the lid being opened.

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Takahashi is not relied on for teaching activating and executing a first application responsive to the lid being opened. Takahashi clearly discloses that triggering the jog rocker activates the circuits of the PDA and also enables the switching of different modes and executes an application by the control section 21. See col. 6, lines 1-3 and col. 7, lines 8-28. Accordingly, Takahashi teaches activating the device and executing a second application responsive to the activation of the jog rocker.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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